IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:16-03-2007

Coram:

The Honoruable Mr. Justice P. SATHASIVAM
and
The Honoruable Mr. Justice N. PAUL VASANTHAKUMAR

W.A. No.3909 of 2003
W.A.M.P. No.6384 of 2003

Sakthi Talikes (Dindigul) Ltd.
Rep. by its Director
K. Annamalai
Dindigul 624 010 .... Appellant/Petitioner

:versus:

The District Collector cum
Licensing Authority
Collectorate
Dindigul .... Respondent/Respondent

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Appeal under Cl.15 of the Letters Patent against the order dated 15-9-2003 in W.P. No.19267 of 2003. to issue a writ of certiorari many other writ or order of direction in the nature of writ calling for the records relating to the order in Na. Ka. No. C1/43772/01-3 dated 22.06.2003 on the file of the District Collector cum licensing Authority, Dindigul and quash the same

For Appellant :: Mr. M. Deivanandhan for Mr. G.R. Swaminathan
For Respondent :: Mr. P. Subramani, Government Advocate

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JUDGMENT
(Delivered by P. SATHASIVAM, J.)

The above writ appeal is directed against the order of the learned single Judge dated 15-9-2003 passed in W.P. No.19267 of 2003 in and by which, the learned Judge modified the punishment imposed by the Licensing authority, viz. suspension of 'C' Form licence of the

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appellant/petitioner's theatre for a period of five days as payment of fine of Rs.15,000/-.

2. Heard the learned counsel appearing for the appellant as well as the learned Government Advocate for the respondent.

3. Learned counsel for the appellant/petitioner mainly contended that though on the suggestion of the appellant/petitioner, the learned single Judge has modified the punishment and ordered payment of fine of Rs.15,000/-, considering the various circumstances including the average profit earned by the appellant is around only Rs.1000/- per day seeks modification of the said direction. While elaborating the above contention, it is brought to our notice that at the relevant time, the appellant's theatre was an old and non-airconditioned. According to the learned counsel, the average daily attendance inclusive of all the four shows is only around Rs.250/-. He further points out that while the highest class in the appellant's theatre is only Rs.14.75, the lowest class is Rs.1.75 and the daily average profit is Rs.1,000/-.

4. Taking note of the above factual details, we are of the view that ends of justice would be met by modifying the direction of the learned single Judge. Accordingly, we modify the order passed by the learned single Judge and direct the appellant/petitioner to pay the sum of Rs.7,500/- in lieu of the punishment of suspension of 'C' Form licence for five days as ordered by the Licensing authority. The appellant is granted four weeks' time from today for payment of the said amount to the Licensing authority. It is made clear that in case the appellant fails to comply with the above direction, he has to close the theatre for the period of five days as ordered by the Licensing authority.

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5. The order of the learned single Judge is modified to the above extent. The writ appeal is ordered accordingly. No costs. Connected miscellaneous petition is closed.

Jai

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To:
The District Collector cum
Licensing Authority
Collectorate
Dindigul

VP(Co)
NM(24.03.07)

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